

CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT

April 5, 2012 Meeting
Agenda Item 2

SUBJECT: Alternative Setback Determination - (PA2012-015)
211 Orchid Avenue
• Staff Approval No. SA2012-002

APPLICANT: Robert Hales

PLANNER: Kay Sims, Assistant Planner
(949) 644-3237 or Ksims@newportbeachca.gov

PROJECT SUMMARY

The applicant is requesting an alternative setback determination for property located at 211 Orchid Avenue. The original request was for the following:

- Front - 10 feet (adjacent to Orchid Avenue)
- Side – 8 feet (adjacent to 3528 Ocean Boulevard)
- Side – 5 feet (adjacent to alley)
- Rear – 4 feet (opposite Orchid Avenue)

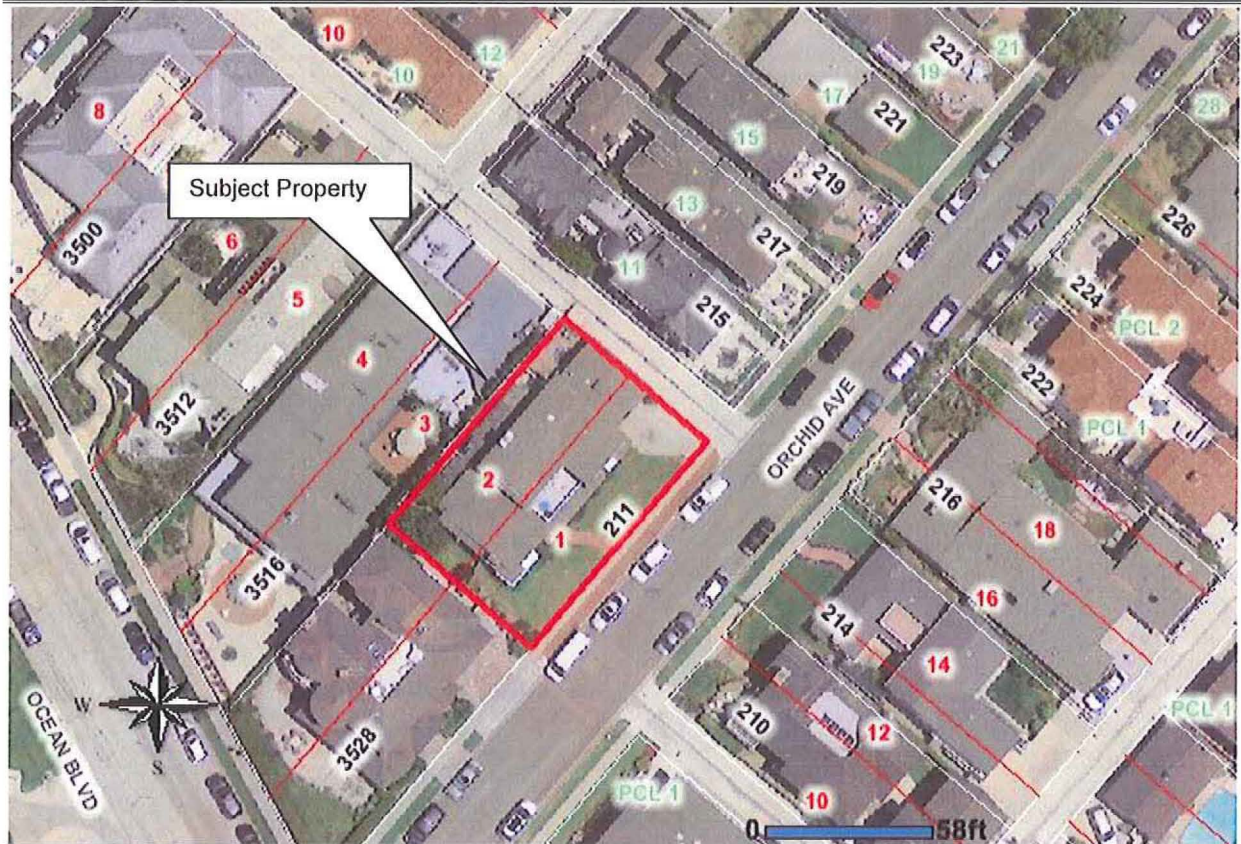
On March 8, 2012, the Planning Commission conducted a public hearing for the subject item and then continued it to April 5, 2012, to allow staff to meet with the applicant to develop additional alternative setbacks for them to consider. This report supplements the March 8, 2012, staff report and includes discussion of the additional alternative setbacks. The applicant's alternative is as follows:

- Front – (adjacent to Orchid Avenue) - 20 feet (from alley 28 feet), 10 feet (65 feet)
- Side – 5 feet (adjacent to alley)
- Side – 4 feet (adjacent to 3528 Ocean Boulevard)
- Rear – (opposite Orchid Avenue) – 4 feet (from alley 28 feet), 7 feet (65 feet)

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Approve Staff Approval No. SA2012-002 with the attached Resolution and Alternative Setback Determination letter (Attachment No. PC 1) that would establish the following recommended setbacks:
 - Front - 20 feet (adjacent to Orchid Avenue)
 - Side - 4 feet (adjacent to 3528 Ocean Boulevard)
 - Side - 5 feet (adjacent to alley)
 - Rear - 4 feet (opposite Orchid Avenue)

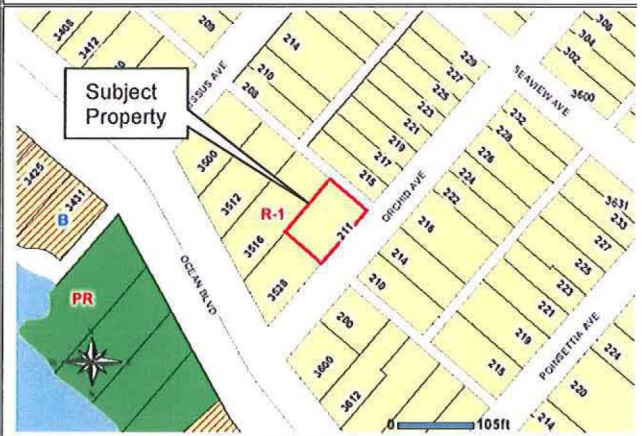
VICINITY MAP



GENERAL PLAN



ZONING



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	RS-D (Single-Unit Residential Detached)	R-1 (Single-Unit Residential)	Single-Unit Dwelling
NORTH	RS-D	R-1	Single-Unit Dwelling
SOUTH	RS-D	R-1	Single-Unit Dwelling
EAST	RS-D	R-1	Single-Unit Dwelling
WEST	RS-D	R-1	Single-Unit Dwelling

BACKGROUND

On March 8, 2012, the Planning Commission conducted a public hearing and reviewed the applicant's request and staff's recommendation for alternative setbacks. During the public comment period, the applicant and owners of the subject property presented information and spoke in support of the request. Neighbors in the immediate area spoke in support of staff's recommendation. The neighbor adjacent to the rear spoke in support of the staff's recommendation, with the exception of the rear setback, which he felt should remain at 10 feet. Following the public comment period, the Commission discussed various alternatives in addition to the requested and recommended setbacks. The Commission expressed general support for setbacks that would result in a .95 FAR (floor area ratio). The Commission continued the item to the April 5, 2012, hearing date and directed staff to meet with the applicant in order to develop additional alternatives that would be appropriate for the site and allow up to a .95 FAR.

Staff met with the applicant to discuss an additional alternative proposal that incorporates a staggered front setback (Table 1 and Attachment No. PC 2). Staff also met with the owners of four properties located within the immediate vicinity of the subject property. The neighbors expressed concern about a front setback less than 20 feet, and the property owner to the north requests that a 10-foot-rear setback be maintained.

DISCUSSION

Additional Alternative Setbacks

The applicant proposes to stagger the front and rear setbacks, with placement of a garage adjacent to the alley 20 feet from the front (Orchid Avenue) and to within 4 feet of the rear (opposite Orchid Avenue). The remainder of the lot would have a 7-foot-rear and a 10-foot-front setback. This would provide more rear yard area than the 4-foot-rear setback originally requested and recommended by staff. This proposal would result in a .96 FAR, which is slightly greater than the .95 FAR that the Planning Commission stated it could support (see Attachment No. PC 2).

Other staff options are described in Table 1 and depicted in Attachment No. PC 3 (Staff's Additional Alternative Setbacks Exhibits). These options have an FAR range of .87 to .92.

Table 1: Alternative Setbacks and FAR Analysis

211 Orchid Avenue (Subject Property)	Lot Size (SFI)	Buildable Area (SFI)	Max Floor Area (SFI)	Floor Area Ratio
Required Setbacks: F-20, S-4, 5-4 (alley), R-10	6,045	2,975	4,463	.74
Applicant's Originally Requested Setbacks: F-10, 8-8, S-5 (alley), R-4	"	4,080	6,120	1.01
Applicant's Alternative Proposal				
F-20 (from alley 28'), 10 (65') R-4 (from alley 28'), 7 (65') 8-5 (alley), 8-4		3,871	5,806	.96
Staff's Recommended Setbacks: F-20, 8-4, S-5 (alley), R-4	"	3,444	5,166	.85
Staff's Original Alternative Recommendation: F-15, 8-4, 5-5 (alley), R-4	"	3,864	5,796	.95
Staff's Additional Alternative Setbacks				
1) F-20 (from alley 46.5'), 10 (46.5') R-4 (from alley 28'), 10 (65') 8-5 (alley), 8-4	"	3,503	5,254.50	.87
2) F-20 (from alley 46.5'), 15' (46.5') R-4 8-5 (alley), S-4	"	3,657	5,486	.91
3) F-15 R-6 5-5 (alley), 8-4	"	3,696	5,544	.92
Neighboring Lots				
215 Orchid Ave (30 x 118) F-20 8-3, R-5	3,540	2,232	3,348	.95
214 Orchid Ave (45 x 118) F-20, 8-4, R-5	5,310	3,441	5,161	.97
216 Orchid Ave (62 x 118)	7,316	5,022	7,533	1.02
3528 Ocean Blvd (as existing - approx. 65 x 100) F-25, 8-4, R-10	6,500	3,705	5,558	.86

Staff Recommendation

As shown in Table 1 and Attachment Nos. PC 2 and 3, there are various options to achieve a floor area ratio that is equitable with other lots in the area. *Staff* maintains the original setbacks recommendation based on the following:

1. *Staff* believes that a 20-foot-front setback is:

consistent with the pattern of development along Orchid Avenue
 compatible with setbacks of the neighboring properties across the adjacent alley
 consistent with existing development on the property, which has been in place since 1952.

2. Staff believes that a rear yard setback of 4 feet is reasonable given that the rear of the subject property is adjacent to the side of the adjacent property, which has a 4-foot-side setback (see Vicinity Map).

Planning Commission Action Alternatives

Should the Planning Commission find that none of the alternative setbacks presented are appropriate, the Commission could either identify suitable alternative setbacks. or deny the request and direct staff to apply the standard R-1 setbacks.

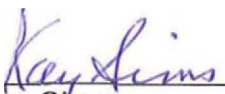
Environmental Review

The project is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines - Class 5 (Minor Alterations in Land Use Limitations), which consists of minor alterations in land use limitations in areas with an average slope of less than twenty 20 percent. which do not result in any change to the land use or increase in the density as identified in the General Plan and Zoning Code, including but not limited to: minor lot line adjustments. side yard, and setback variances not resulting in the creation of any new parcel. The Alternative Setback Determination does not constitute a major change which would require environmental review.

Public Notice

This item was continued to a date certain from the March 8, 2012, hearing and appeared upon the agenda for this meeting, which was posted at City Hall and on the City website. In addition, notice of the March 8, 2012 hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property (excluding roads and waterways) and posted at the site a minimum of 10 days in advance. The item also appeared upon the agenda for the March 8, 2012 meeting, which was posted at City Hall and on the City website.

Prepared by:



Kay Sims,
Assistant Planner

Submitted by:



Brenda Wisneski,
Deputy Community Development Director

ATTACHMENTS

- | | |
|------|--|
| PC 1 | Draft Resolution with Exhibit "A" Alternative Setback Determination Letter |
| PC 2 | Applicant's Alternative Proposal |
| PC 3 | Staff's Additional Alternative Setbacks Exhibits |
| PC 4 | March 8, 2012, Planning Commission Staff Report (Without Attachments) |
| PC 5 | Additional Photos: Taken From Neighboring Properties |

April 5, 2012

Attachment No. PC 1

Draft Resolution with Exhibit "A"

Alternative Setback Determination Letter

**RESOLUTION NO.
A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF NEWPORT BEACH APPROVING SA2012-002 FOR AN
ALTERNATIVE SETBACK DETERMINATION FOR THE
PROPERTY LOCATED AT 211 ORCHID AVENUE (PA2012-015)**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Robert Hales, Trustee, with respect to property located at 211 Orchid Avenue, and legally described as RESUB OF CORONA DEL MAR, LOT 1, BLOCK 141 , NORTHEASTERLY 93 FEET AND NORTHEASTERLY 93 FEET LOT.
1. The applicant requests approval of an Alternative Setback Determination. The originally requested setbacks are: Front - 10 feet, Side - 8 feet (adjacent to 3258 Ocean Boulevard), Alley Side - 5 feet, and Rear - 4 feet (opposite Orchid Avenue).
2. The applicant's alternative proposal is: Front - (adjacent to Orchid Avenue) 20 feet (from alley 28 feet), 10 feet (65 feet), Side - 4 feet (adjacent to 3258 Ocean Boulevard), Side (alley) - 5 feet, and Rear - (opposite Orchid Avenue) 4 feet (from alley 28 feet), 7 feet (65 feet).
3. The subject property is located within the Single-Unit Residential (R-1) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (RSD-B).
5. Public hearings were held on March 8, 2012, and April 5, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The project is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines - Class 5 (Minor Alterations in Land Use Limitations), which consists of minor alterations in land use limitations in areas with an average slope of less than twenty percent, which do not result in any change to the land use or increase in the density as identified in the General Plan and Zoning Code, including but not limited to: minor lot line adjustments, side yard, and setback variances not resulting in the creation of any new parcel. The Alternative Setback Determination does not constitute a major change which would require environmental review.

2. The Planning Commission finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges. As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial challenge, and bear the responsibility for any costs, attorneys' fees, and damages which may be awarded to a successful challenger.

SECTION 3. FINDINGS.

Section 20.30.110.C, Alternative Setback Area Location of the Newport Beach Municipal Code states the following:

"In cases where the orientation of an existing lot and the application of the setback area are not consistent with the character or general orientation of other lots in the vicinity, the Director may redefine the location of the front, side, and rear setback areas to be consistent with the surrounding properties."

Pursuant to Section 20.30.110.C, the following findings are set forth.

Findings:

- A. The subject property has been re-subdivided and is not consistent with the orientation of the original subdivision and the properties within the surrounding area and within the subject block (Block 141, Corona del Mar).
- B. The application of the standard R-1 (Single-Unit Residential) setbacks will result in an FAR substantially lower than other lots in the vicinity and within the R-1 Zoning District.
- C. The application of the approved alternative setbacks will allow development on the property, which will be more consistent with the scale and floor area ratio (FAR) allowed on other properties within the R-1 Zoning District and the subject block (Block 141, Corona del Mar).
- D. The approved alternative setbacks recommended by staff will maintain the character of the surrounding area and are consistent with the setbacks of properties within the neighboring area.

SECTION 4. DECISION.

To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may

arise from or in any manner relate (directly or indirectly) to City's approval of the **211 Orchid Avenue Alternative Setbacks** including, but not limited to, the **SA2012-002 (PA2012-015)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby approves SA2012-002, allowing the following setbacks set forth in Exhibit A, which is attached hereto: Front - 20 feet (adjacent to Orchid Avenue); Side - 4 feet (adjacent to 3258 Ocean Boulevard), Alley Side - 5 feet, and Rear - 4 feet (opposite Orchid Avenue).
2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS APRIL 5, 2012.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Michael Toerge, Chairman

BY: _____
Fred Ameri, Secretary

Exhibit "A"



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
3300 Newport Boulevard, Building C, Newport Beach, CA 92663
(949) 644-3200 Fax: (949) 644-3229
www.newportbeachca.gov

DETERMINATION OF ALTERNATIVE SETBACK AREA LOCATIONS

SA2012-002 (PA2012-0015)

Date: April 5, 2012

Site address: 211 Orchid Avenue

Section 20.30.110 C (Setback Regulations and Exceptions - Alternative setback area location):

In cases where the orientation of an existing lot and the application of the setback area are not consistent with the character or general orientation of other lots in the vicinity, the {Community Development} Director may redefine the location of the front, side, and rear setback areas to be consistent with surrounding properties. The reorientation of setback areas is not applicable to the bluff overlay district.

In this case the Community Development Director elected to refer this request to the Planning Commission which established the following alternative setbacks:

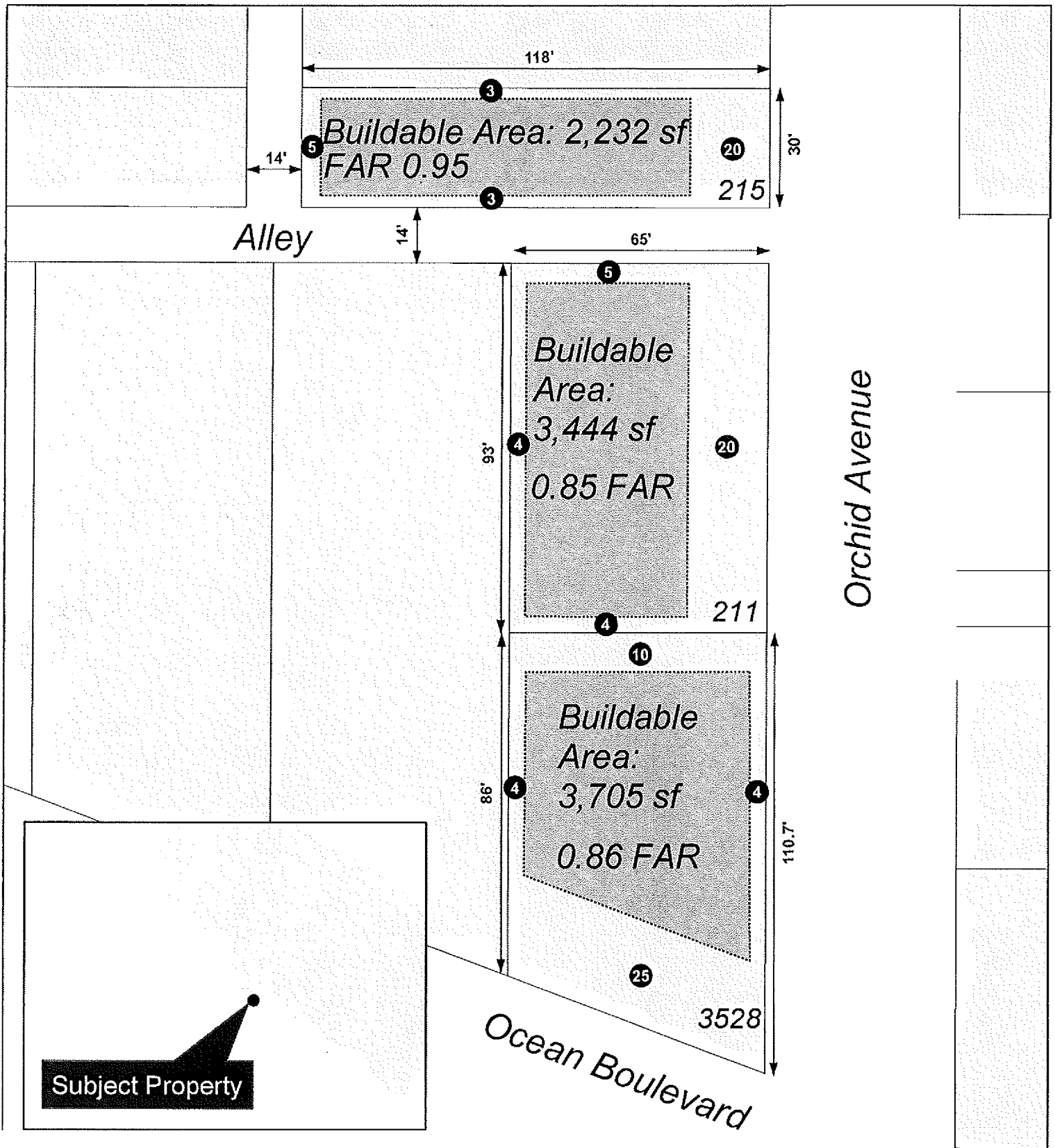
Yard	Setback	Description
Front	20'	Orchid Avenue
Side	4'	Adjacent to 3528 Ocean Boulevard
Side	5'	Adjacent to alley
Rear	4'	Opposite to Front Orchid Avenue

On behalf of Michael Toerge, Chairman

By: _____

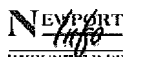
Fred Ameri, Secretary

Attachment: Setback Exhibit



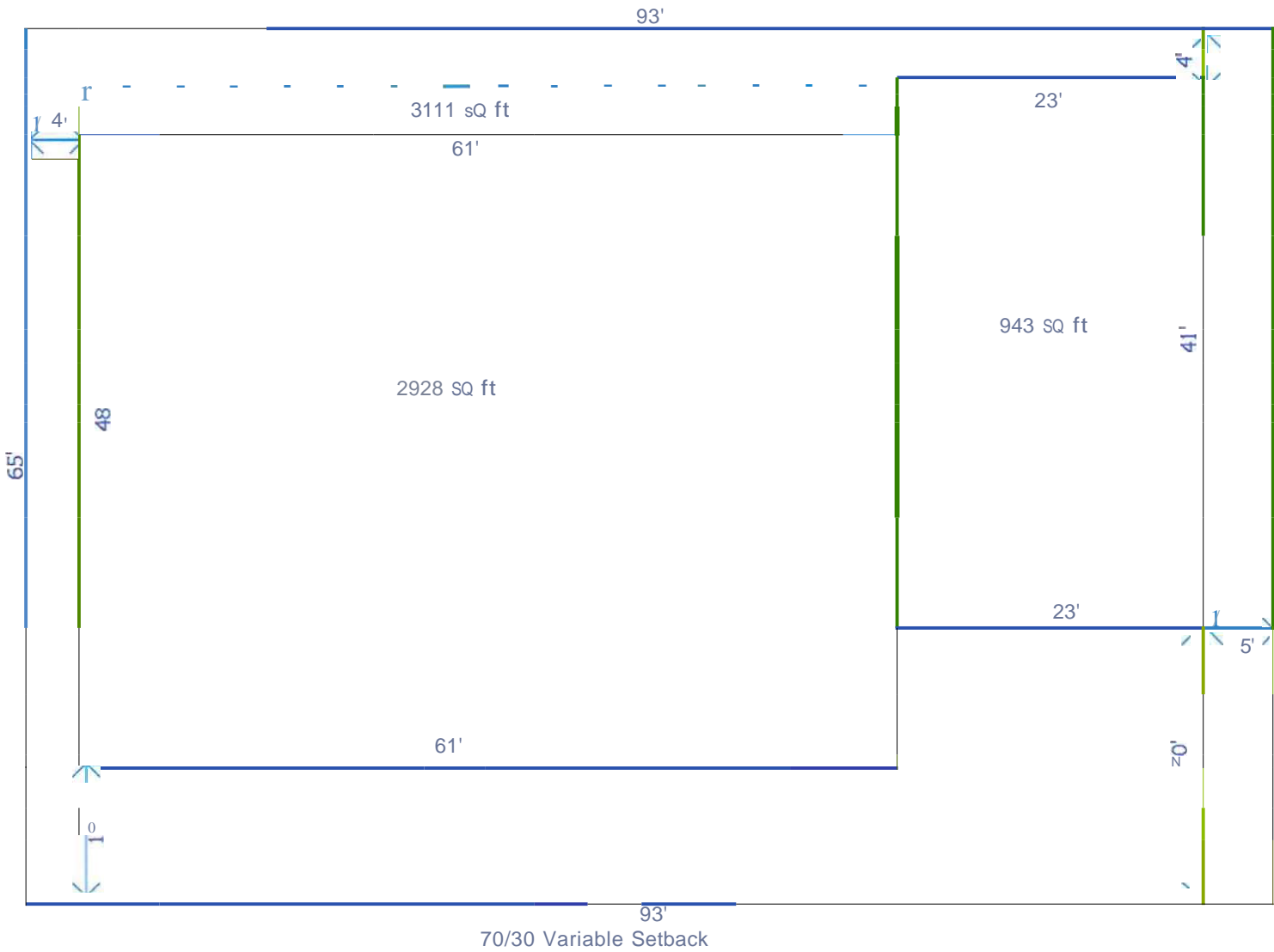
211 Orchid Avenue - PA2012-015 Determination of Alternative Setback Area Locations

0 10 20
Feet



Attachment No. PC 2

Applicant's Alternative Proposal

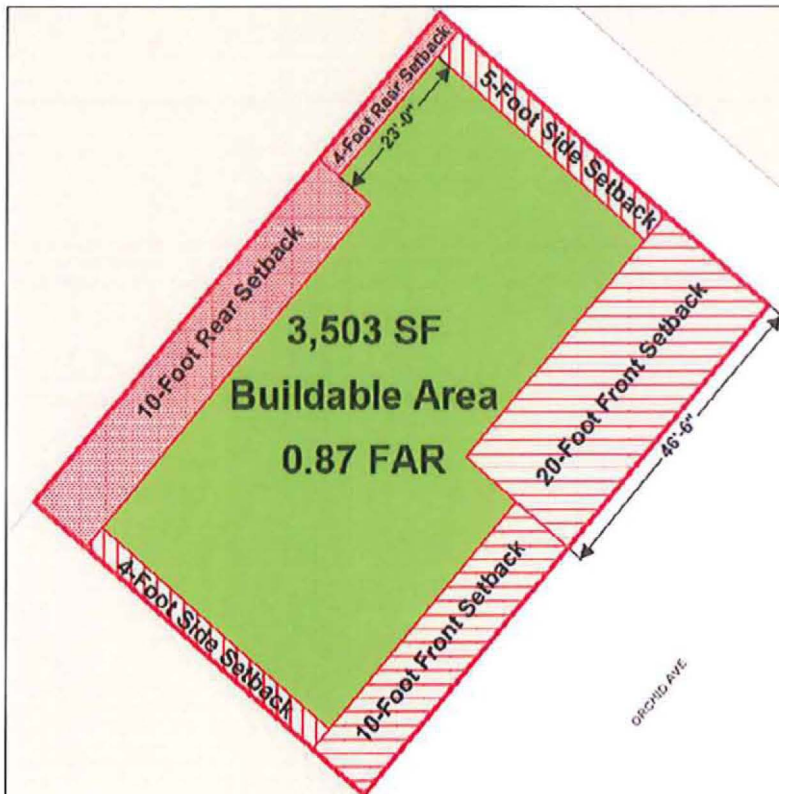


7' Rear Setback Compromise
3871 Total Pad Area X 1.5 = 5806 SQ ft House
.96 FAR

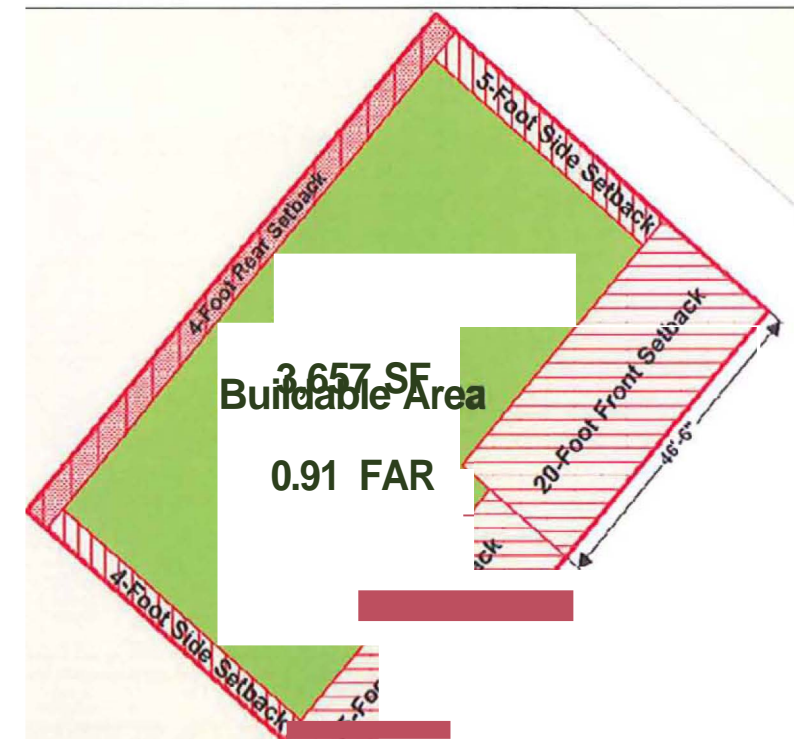
4' Rear Setback
4054 total pad area x 1.5 = 6081 SQ ft House
1.01 FAR

Attachment No. PC 3

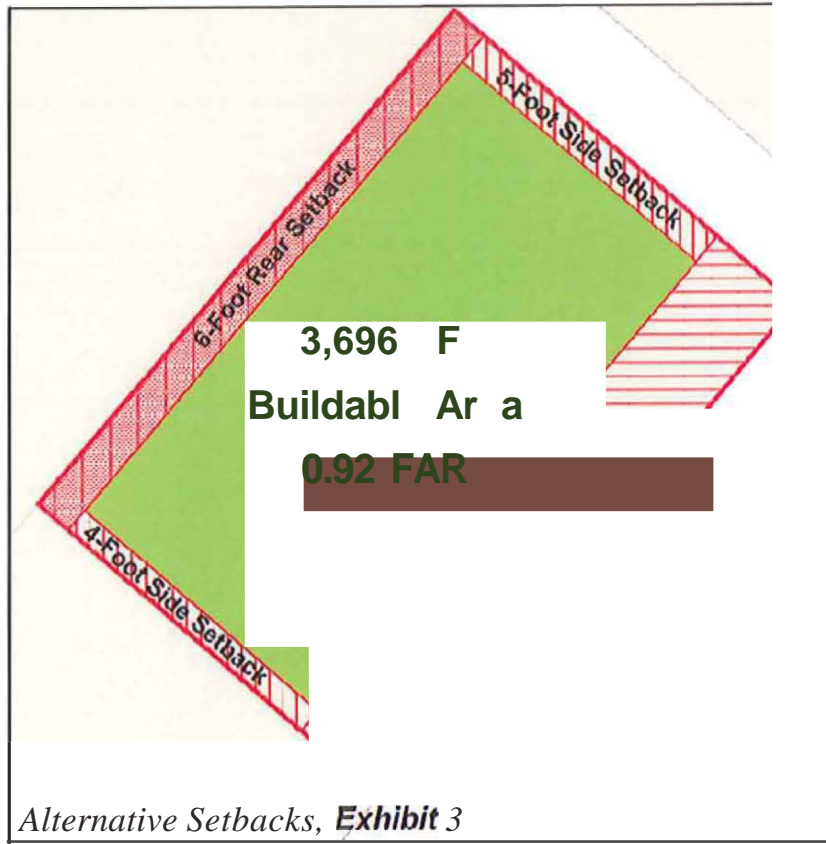
Staff's Additional Alternative Setbacks Exhibits



Alternative Setbacks, **Exhibit 1**



Alternative Setbacks, **Exhibit 2**



Attachment No. PC 4

March 8, 2012, Planning Commission Staff Report
(Without Attachments)

**CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT**

March 8, 2012 Meeting
Agenda Item 3

SUBJECT: Alternative Setback Determination - (PA2012-015)
211 Orchid Avenue
• Staff Approval No. SA2012-002

APPLICANT: Robert Hales

PLANNER: Kay Sims, Assistant Planner
(949) 644-3237 or Ksims@newportbeachca.gov

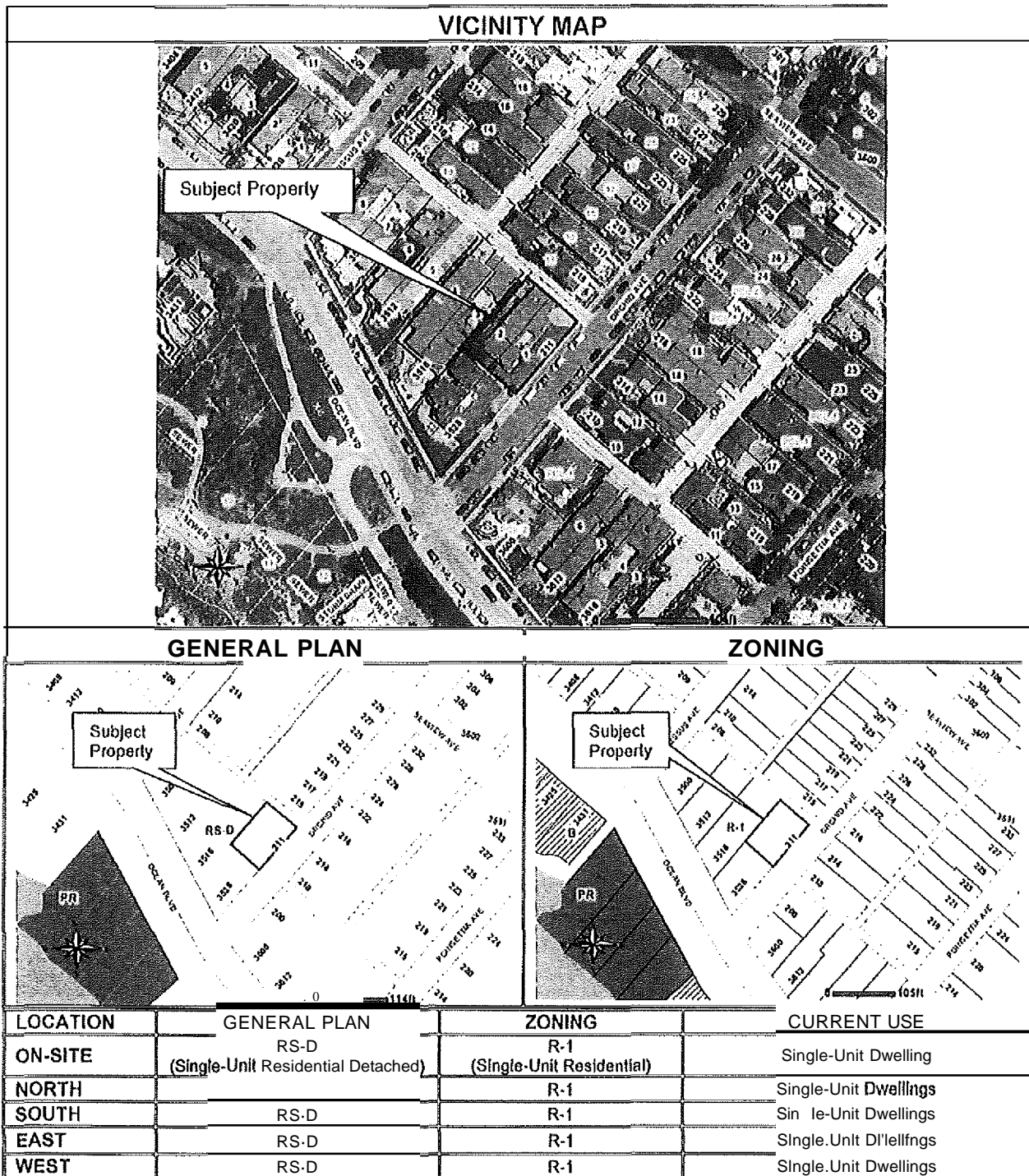
PROJECT SUMMARY

The applicant is requesting an alternative setback determination for property located at 211 Orchid Avenue to accommodate redevelopment of the site. The applicant is requesting that the following setbacks be established:

- Front - 10 feet (adjacent to Orchid Avenue)
- Side → 8 feet (adjacent to 3528 Ocean Boulevard)
- Side → 5 feet (adjacent to alley)
- Rear - 4 feet (opposite Orchid Avenue)

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Approve Staff Approval No. SA2012-002 with the attached Resolution and Alternative Setback Determination letter (Attachment No. PC 1) that would establish the following recommended setbacks:
 - Front - 20 feet (adjacent to Orchid Avenue)
 - Side - 4 feet (adjacent to 3528 Ocean Boulevard)
 - Side - 5 feet (adjacent to alley)
 - Rear → 4 feet (opposite Orchid Avenue)



INTRODUCTION

Project Setting and Background

The 6,045-square-foot property (93 feet wide by 65 feet deep) is located in Corona del Mar on the northwesterly side of Orchid Avenue near the intersection of Orchid Avenue and Ocean Boulevard. It consists of the northerly portions (93 feet) of Lots 1 and 2 of Block 141 of Corona del Mar that were originally subdivided in 1906 (Attachment No. PC 4). Lots 1-8 within the block were oriented to face Ocean Boulevard. Subsequently, Lots 1 and 2 were subdivided resulting in the reorientation of the subject property to face Orchid Avenue and the current configuration of 3528 Ocean Boulevard. A 14-foot-wide alley is adjacent to the northerly property line. Properties to the north of the alley are oriented with the fronts facing either Orchid or Narcissus Avenues and are subject to the standard setbacks required for the R-1 Zoning District (Attachment No. PC 3). The property is subject to the following standard setbacks as shown in the FAR Analysis Table 1: front - 20 feet (adjacent to Orchid Avenue), sides - 4 feet, rear - 10 feet (opposite Orchid Avenue).

The property slopes gently downward toward Ocean Boulevard and is developed with a two-story, single-family residence with an attached garage originally constructed as a single-story in 1952; the second-story was added in 1982. Vehicular access is from the alley via a driveway, which angles from the alley to the front of the garage facing Orchid Avenue. The existing development on the property complies with the standard setbacks required by the Zoning Code, with the exception of a patio cover that encroaches into the rear setback, that was permitted with the approval of Modification Permit No. 2533 in 1980 (Attachment No. PC 6), and has the following setbacks: front - 20 feet (adjacent to Orchid Avenue) - residence - 20 feet, garage - 27 feet, rear - 10 feet (opposite Orchid Avenue), side - 12 feet (adjacent to 3528 Ocean Boulevard), and alley side - 4 feet.

Project Description

The application for an Alternative Setback Determination does not include any specific plans for redevelopment of the property at this time and requests the following setbacks: front - 10 feet (adjacent to Orchid Avenue), side - 8 feet (adjacent to 3528 Ocean Boulevard), side - 5 feet (adjacent to alley) and rear - 4 feet (opposite of Orchid Avenue).

Pursuant to Section 20.30.110 C (Setback Regulations and Exceptions - Alternative setback area location) of the Zoning Code, the Community Development Director may redefine the location of the front, side, and rear setback areas to be consistent with surrounding properties in cases where the orientation of an existing lot and the application of the setback area are not consistent with the character or general orientation of other lots in the vicinity. The Community Development Director has referred this application to the Planning Commission for review and action.

DISCUSSION

Analysis

To determine whether the proposed setbacks are appropriate, staff analyzed: 1) the compatibility of the proposed setbacks with the required setbacks and development pattern of lots in the surrounding area; 2) the resulting true floor area ratio (maximum building square footage allowed divided by lot size) to ensure that it is consistent with neighboring lots with typical lot configurations, and 3) a comparison of the percentage of the lot devoted to setback areas with those of neighboring lots with typical lot configurations.

Setback Compatibility

Front Setback: The applicant has *requested* a 10-foot-front setback adjacent to Orchid Avenue. Properties along the southeasterly side of Orchid Avenue in the neighboring area have been combined and vary in width and lot area. Properties located on the northwesterly side are the size and area of lots typically found throughout Corona del Mar (30 feet wide by 118 feet deep). Properties along Orchid Avenue are subject to front setbacks of 20 feet and generally comply with the required setback; with the exception of 200 Orchid Avenue, which has been reoriented to face Orchid Avenue and is currently developed with a 10-foot-front setback. In order to maintain consistency of the setbacks and development pattern in the area, staff recommends that the existing 20-foot-front setback on the property be maintained.

Rear Setback: The rear yard of the subject property abuts the side yard of 3516 Ocean Boulevard, which has a 4-foot-side setback. The applicant has requested a 4-foot-side setback, since the rear yard is similar to a side setback. The requested setback of 4 feet would provide a total setback area of 8 feet between the properties, which is the same setback requirement that existed prior to the reorientation of the subject property.

Side Setbacks: The southerly side of the subject property abuts the rear yard of 3528 Ocean Boulevard. Although the required rear setback for 3528 Ocean Boulevard is 10 feet; the existing development is constructed to 8 feet. The applicant has requested an 8-foot-side setback. Staff believes that a 4-foot-side setback adjacent to the rear of the neighboring property would provide adequate setback area for light and air with the current development (12 feet) between structures.

A 5-foot-setback is required for properties located with rear property lines adjacent to the alley. The requested 5-foot-side setback is consistent with this standard and provides adequate area for vehicles to maneuver while entering or exiting the alley.

Application of Setbacks

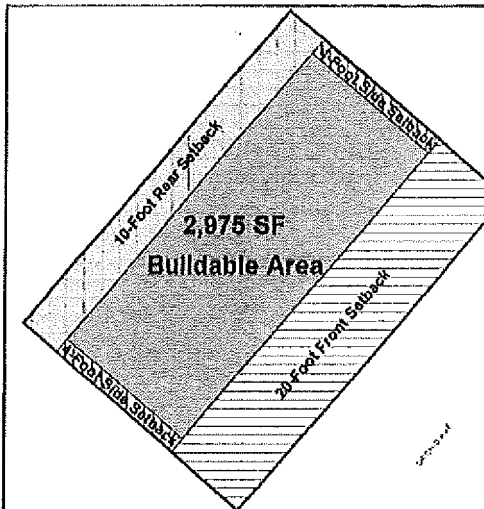


Figure 1, Required Setbacks

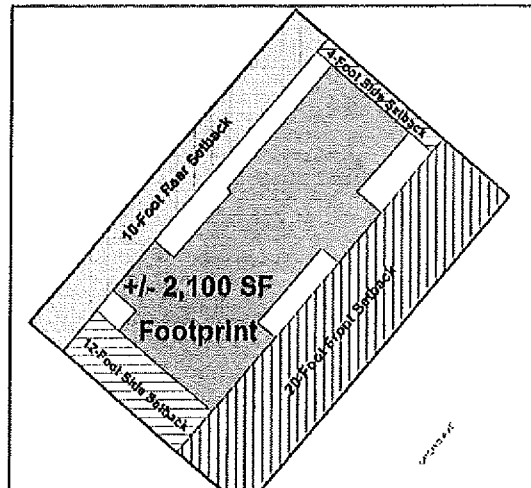


Figure 2, EKIstillY Sorbnclls (ApproXlmitt)

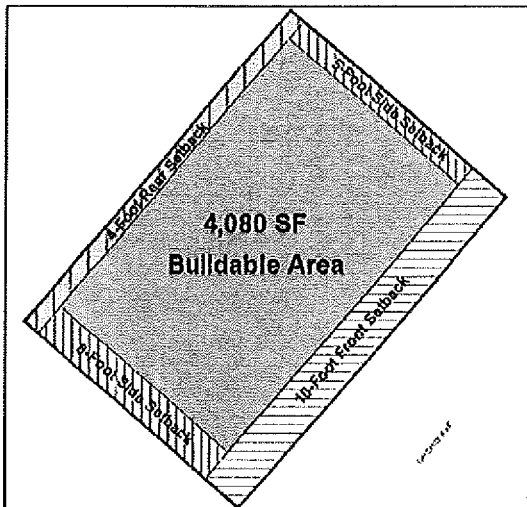


Figure 3, Requested Setbacks

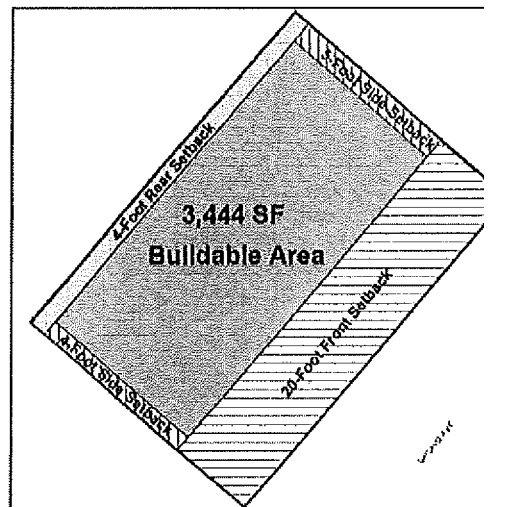


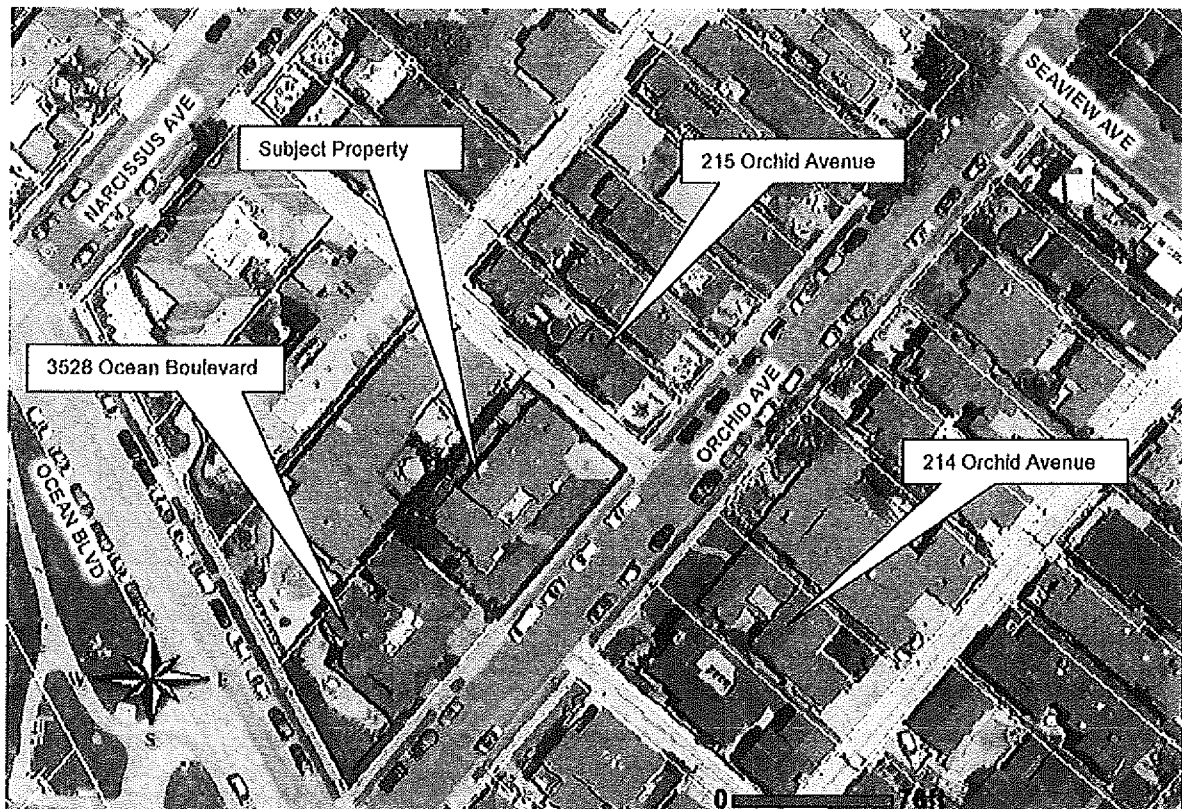
Figure 4, Recommended Setbacks

FAR Comparison

Due to the varying sizes of the properties within the neighboring area, staff has employed a true floor area ratio (FAR) method by which the total building square footage allowed on each property is divided by the total square footage of the property. This method allows for an equitable comparison of floor area allowed to total area of the property. Properties which are representative of the various lot sizes within the neighboring area were used and are included in FAR Analysis Table 1.

FAR Analysis Table 1

211 Orchid Avenue (Sub")	Lot Size (SF)	Bulldable Area (SF)	Max Floor Area (SF)	Floor Area Ratio	Setback % of Max Floor Area
<i>Required Setbacks:</i>					
F-20 8-4, Alley S-4, R-10	6,045	2,975	4,463	.74	.51
<i>Requested Setbacks:</i>	"	4,080	6,120	1.01	.33
F-10, S-8, Alley S-5, R-4					
<i>Recommended Setbacks:</i>	"	3,444	5,166	.85	.43
F-20, 8-4, Alley 8-5, R-4					
<i>Alternative Setbacks:</i>	"	3,864	5,796	.95	.36
F-15, S-4, Alley 8-5, R-4					
Neighboring Lots					
215 Orchid Ave (30 x 118) F-20, 8-3 R-5	3,540	2,232	3,348	.95	.37
214 Orchid Ave (45 x 118) F-20, 8-4, R-5	5,310	3,441	5,161	.97	.35
216 Orchid Ave (62 x 118)	7,316	5,022	7,533	1.02	
3528 Ocean Blvd (as exlslng - approx. 65 x 100) F-25 S-4, R-10	6,500	3,705	5,558	.86	.43



For the subject property, standard setbacks equate to an FAR of .74, which is less than other properties in the neighboring area. The requested setbacks result in an FAR of 1.01. This FAR is greater than that of the typical lot (.95) adjacent to Orchid Avenue, but is less than some of the properties that have been combined and have greater lot widths (216 Orchid ~ 1.02 FAR).

The proposed FAR is also greater than that of the 3528 Ocean Boulevard, which has a similar lot area. Although the total lot area of 3528 Ocean Boulevard is larger (approximately 455 square feet), the FAR proposed for the subject property would allow a maximum floor area of 6,120 square feet, which is greater (562 square feet) than the maximum floor area of 5,558 square feet allowed on 3528 Ocean Boulevard. Staff's recommended setbacks results in an FAR of .85, which is nearly equal to the FAR of 3528 Ocean Boulevard.

Summary

Staff believes that the requested rear and alley side setbacks are consistent with required setbacks for the neighboring properties and the development pattern of the neighborhood. The requested a-foot-side setback adjacent to 3528 Ocean Boulevard is not necessary to provide adequate light and air between the two adjacent properties.

Staff does not believe that the 10-foot-front setback adjacent to Orchid Avenue is consistent with the setbacks required for neighboring properties and would not be consistent with the pattern of existing development. Staff also believes that since the requested resulting FAR of 1.01 is greater than that allowed by the typical lot size in the area, a smaller FAR is appropriate. Therefore, staff recommends a 20-foot-front setback to maintain the existing pattern of development and character of the area.

Alternatives

As an alternative, the Planning Commission could consider a 15-foot-front setback in addition to the side and rear setbacks recommended. This would result in an FAR of .95. Should the Planning Commission find the alternative setbacks requested by the applicant or recommended by staff to be unjustified, the Planning Commission could either identify appropriate setbacks or deny the request and direct staff to apply the standard R-1 setbacks.

Environmental Review

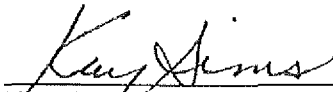
The project is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines - Class 5 (Minor Alterations in Land Use limitations), which consists of minor alterations in land use limitations in areas with an average slope of less than twenty 20 percent (20%), which do not result in any changes in land use or density, including but not limited to: minor lot line adjustments, side yard, and setback variances not resulting in the creation of any new parcel. The Alternative

Setback Determination does not constitute a major change which would require environmental review.

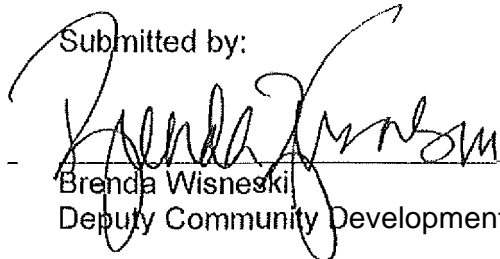
Public Notice

Although not required by the Municipal Code, notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property (excluding roads and waterways) and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code. The item also appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:


Kay Sims,
Assistant Planner

Submitted by:


Brenda Wisneski
Deputy Community Development Director

ATTACHMENTS

- PC 1 Draft Planning Commission Resolution
Exhibit "A" Alternative Setback Determination Letter
- PC 2 Applicant's Request
- PC 3 Site Plan and Setback Map S-1 08
- PC 4 Original Tract Map: *Re-subdivision of Corona del Mar - 1906*
- PC 5 Photos
- PC 6 Portions of Modification Permit No. 2533

Attachment No. PC 5

Additional Photos:

Taken From Neighboring Propties

View from 215 Orchid Avenue



View from 217 Orchid Avenue



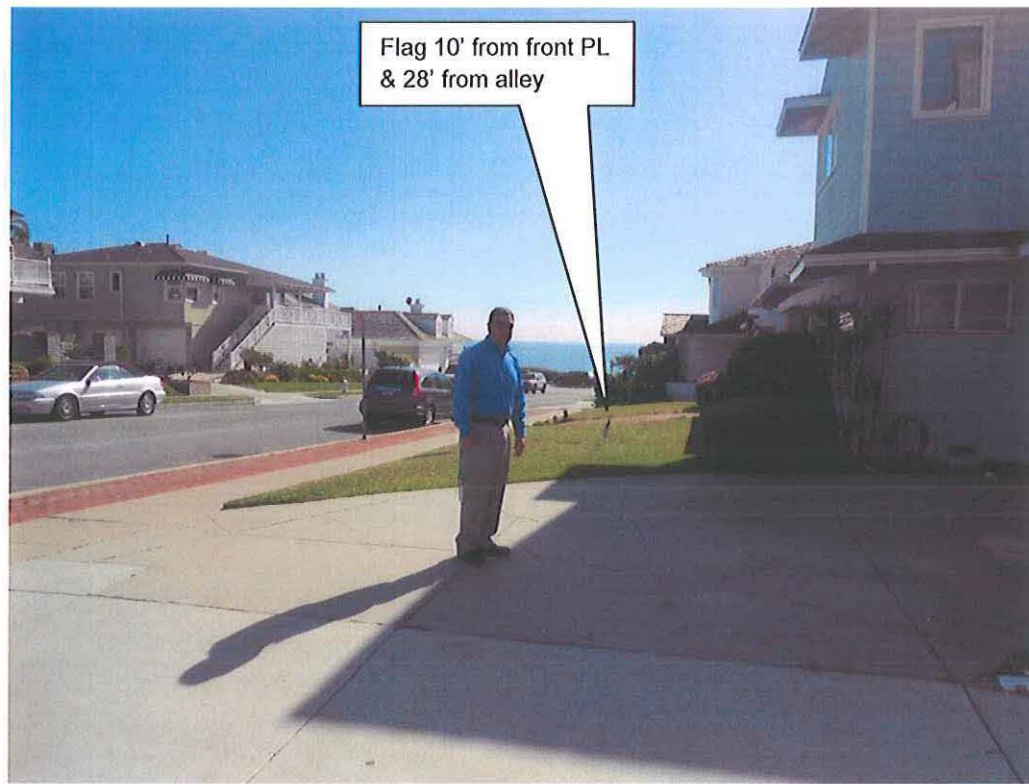
View from 215 Orchid Avenue First Floor Side Window



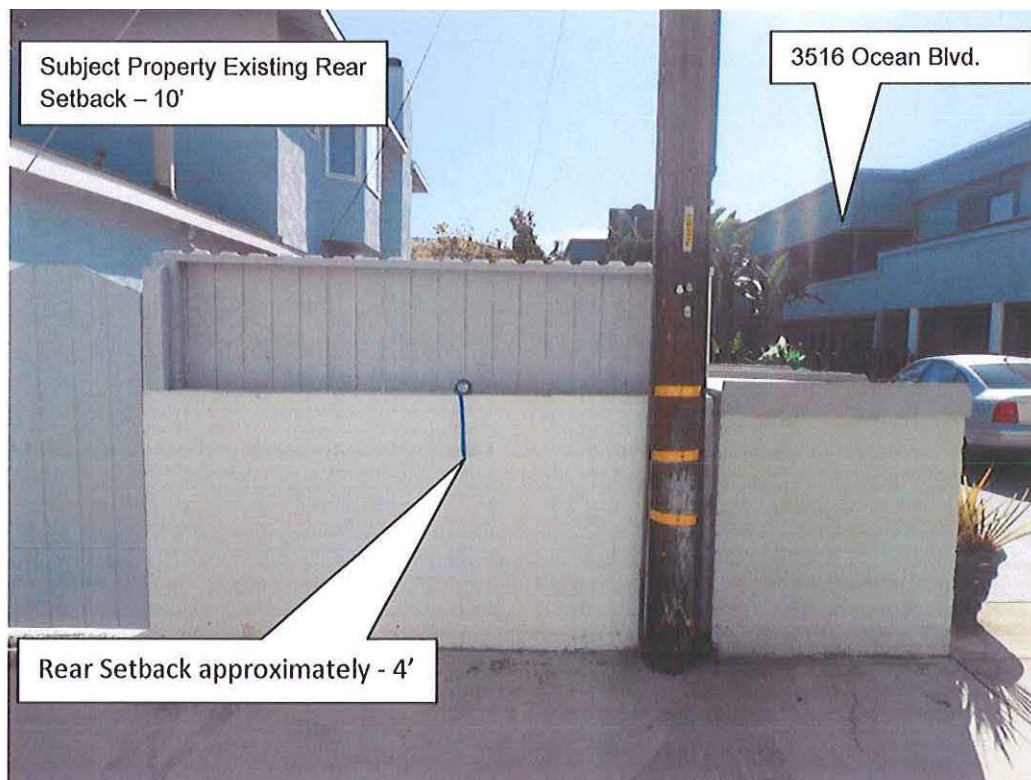
Closeup of Same View



Staff – 10' from Front Property Line and 5' from Alley



View from Rear of 3516 Ocean Boulevard Toward Ocean



Sims, Kay

From: Karl Drews [karl.drews@sbcglobal.net]
Sent: Thursday, March 29, 2012 7:03 AM
To: Sims, Kay
Cc: elmer drews
Subject: 21 1 Orchid

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Kay,

It was a pleasure meeting you Tuesday, 3/20/12, at the applicant's site. I am representing my parents, Elmer and Elizabeth Drews, \who are the owners of the 3516 Ocean Blvd. property. As you heard from the adjacent neighbors on Orchid, who are concerned about how the proposed Alternative Setback \would impact their properties, my parents are concerned about the proposed rear yard setback and how that would impact their property.

I would like to remind you how imposing a t\\'o story structure at the 4' setback is when we stood in the alley by the Valente residence. A two story structure at a 4' setback would have negative impacts to the natural sunlight, air quality and quiet enjoyment of the backyard space. My parents understand that this is an unusual situation and the front neighbor has a 4' setback but when the lot was split the 21 1 Orchid property had a 10' setback on their corrunun property line. That setback should be preserved because it is an ordinance. The FAR ratio is a guideline and should not dictate setback dimensions.

We have seen the revised site plan the applicant has submitted and disapprove the proposed 4' and 7' setbacks that are depicted.

Sincerely,

Karl Drews

Correspondence

Item No. 2b

Alternative Setback Determination

Sims, Kay

PA20012-015

From: Matthew Valente [mrvalente1@gmail.com]
Sent: Tuesday, April 03, 2012 9:33 AM
To: Sims, Kay
Cc: Fran Valente, Mother
Subject: Re: 211 Orchid Ave Case



Ms Sims.

I represent my parents. who reside at 215 Orchid Ave. As you are aware. they are very concerned about the possibility of the setback at 211 Orchid Ave being changed to allow for a 10' setback on their front elevation vs the 20' setback that is common on this street. The potential 10' setback would significantly alter their views from their house towards the ocean. as well as "crowd" the feel of the street with a home do close. The existing home at 211 Orchid has been there for around 50 years. and the residents of Orchid have had a reasonable assumption that a setback on their street would not be altered.

Please add our opinion to the file to be considered by the Planning Commission.

Thank you.

Matt VALENTE
For 215 Orchid Ave



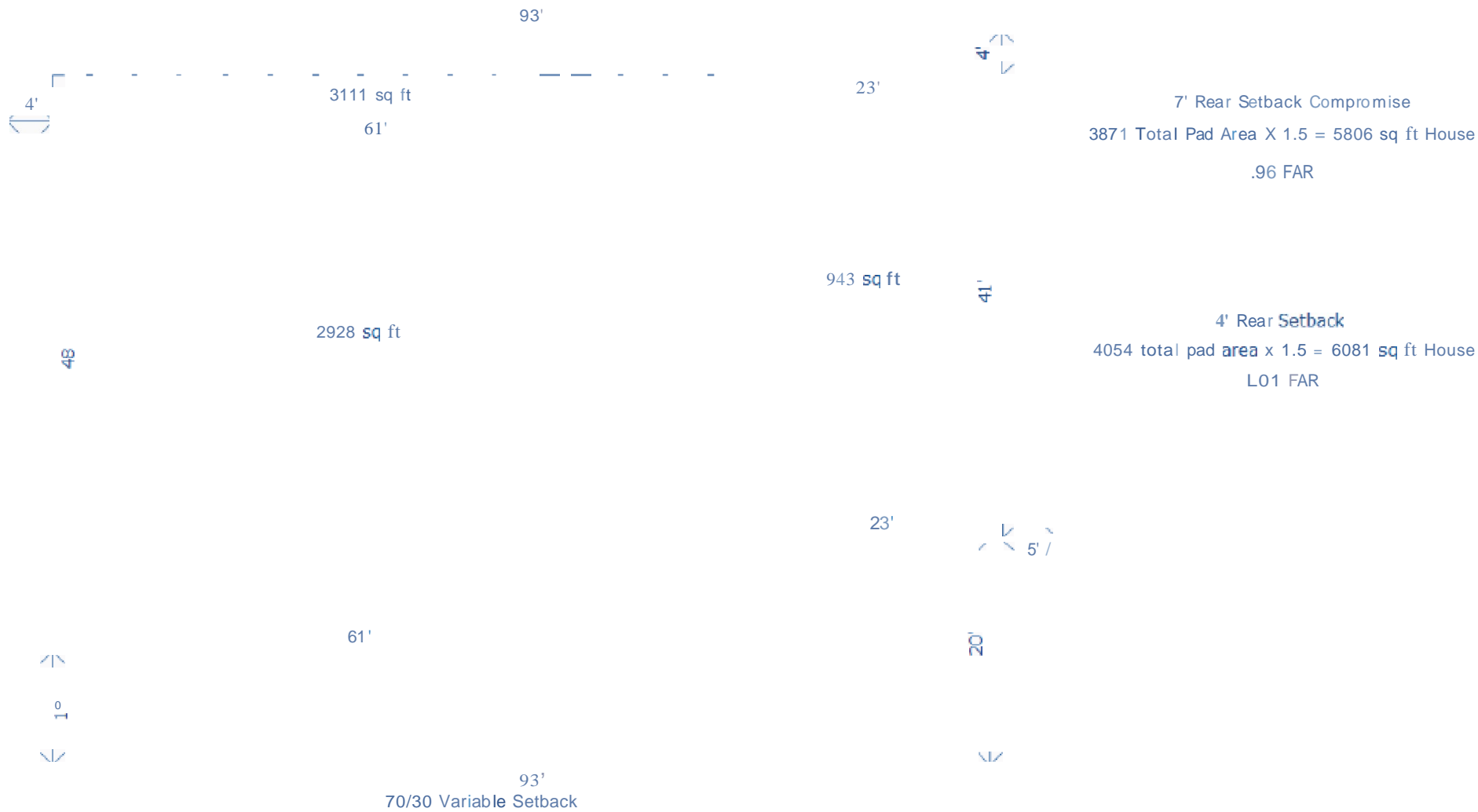
**Planning Commission Meeting
April 5, 2012**

**211 Orchid Avenue
Alternative Setback Determination**

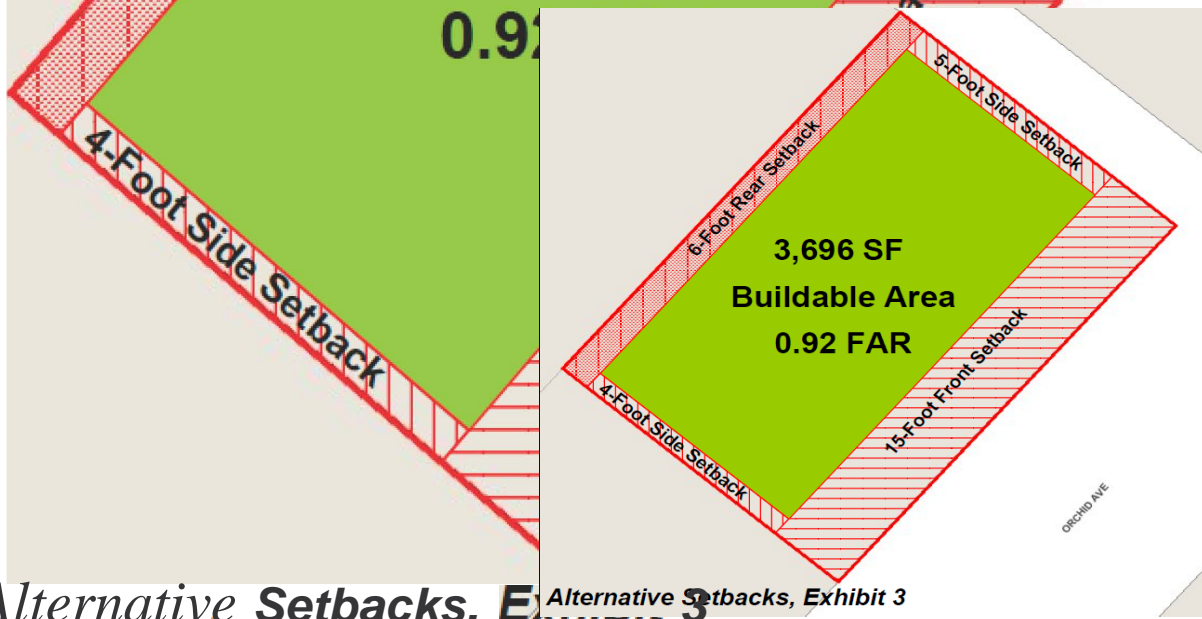
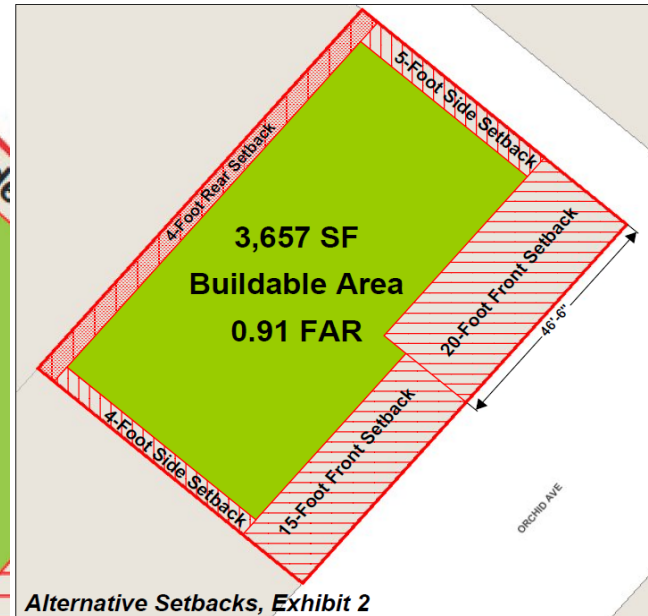
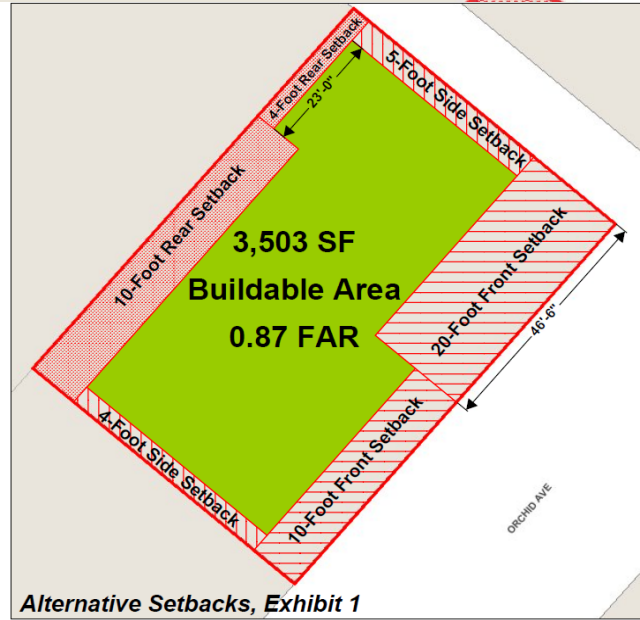
Vicinity Map



Applicant's Alternative Proposal



Alternative Proposals: FAR range .87 to .92



Alternative Setbacks and FAR Analysis

211 Orchid Avenue (Subject Property)	Lot Size (SF)	Buildable Area (SF)	Max Floor Area (SF)	Floor Area Ratio
<i>Required Setbacks:</i> F-20, \$-4, 8-4 (alley). R-10	6,045	2,975	4,463	.74
<i>AODlicant's Oriainallv Reauested Setbacks:</i> F-10 \$-8 \$-5 (alley) R-4	"	4,080	6,120	1.01
<i>ADDlicant's Alternative Prooosal</i> F-20 (from alley 28'). 10 (65') R-4 (from alley 28'). 7 (65') \$-5 (alley), \$-4		3,871	5,806	.96
<i>Staff's Recommended S</i> 0. <i>s:</i> F-20 \$-4. \$-5 (alley), R-4	"	3,444	5,166	.85
<i>Staff's Original Alternative Rqcommendatlon:</i> F-15, S-4, 8-5 (alley) R-4	"	3,864	5,796	.95
<i>Stafrs Additional Alternative Setbacks</i>				
1) F- 20 (from alley 46.5'),10 (46.5') R-4 (from alley 28'),10 (65') \$-5 (alley), \$-4		3,503	5,254.50	.87
2)F-20 (from alley 46.5'), 15' (46.5') R-4 S-5 (alley), \$-4	"	3,657	5,486	.91
3)F- 15 R-6 \$-5 (alley), \$-4	"	3,696	5,544	.92
<i>Neighboring Lots</i>				
215 Orchid Ave (30 x118) F-20, \$-3, R-5	3,540	2,232	3,348	.95
214 Orchid Ave (45 x 118) F-20, S-4, R-5	5,310	3,441	5,161	.97
216 Orchid Ave (62 x 118) 3528 Ocean Blvd (as exlstng - approx. 65 x 100)	7316	5,022	7,533	1.02
F-25. \$-4 R-10	6.500	3,705	5,558	.86
PA2011-149 (SA2011-017)				

Setbacks: Required, Existing, Original Request, and Recommended

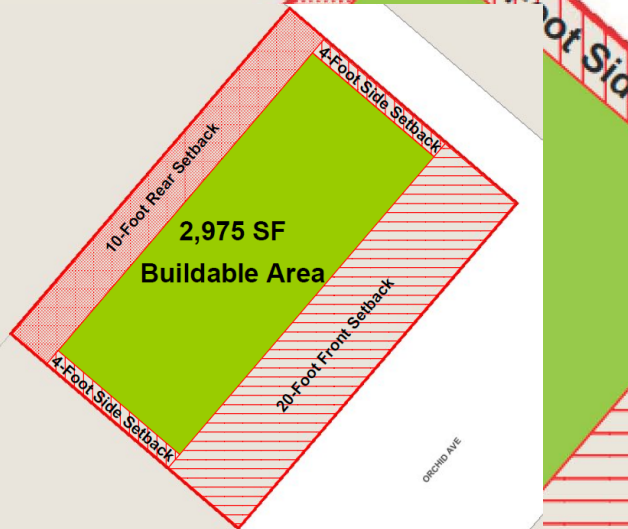


Figure 1, Required Setbacks

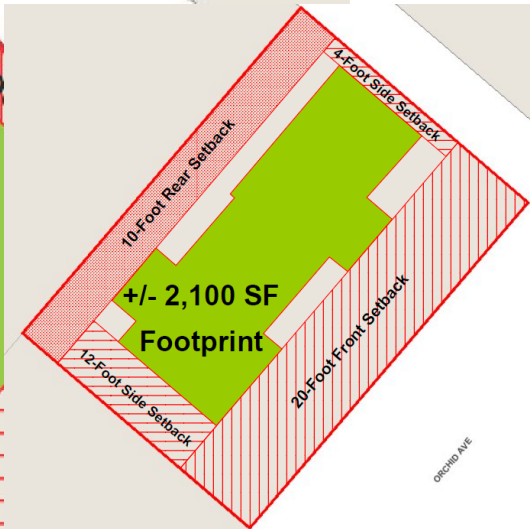


Figure 2, Existing Setbacks (Approximate)

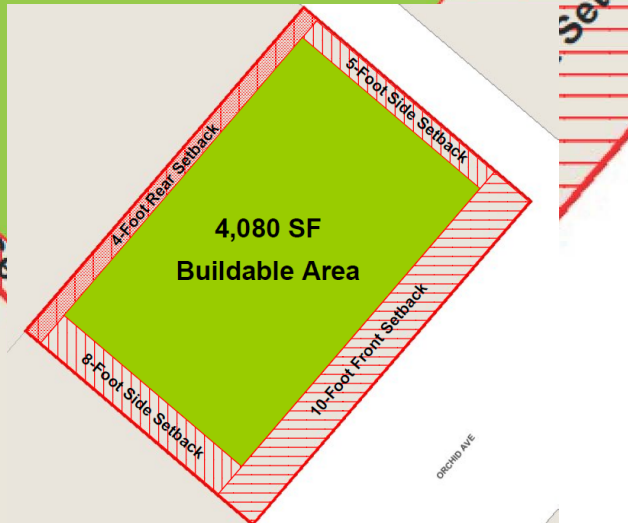


Figure 3, Requested Setbacks

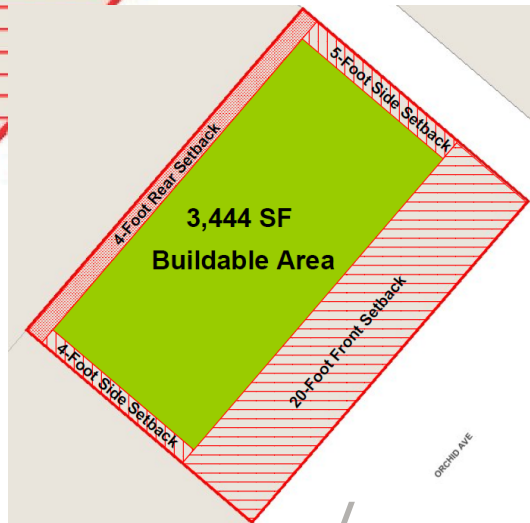
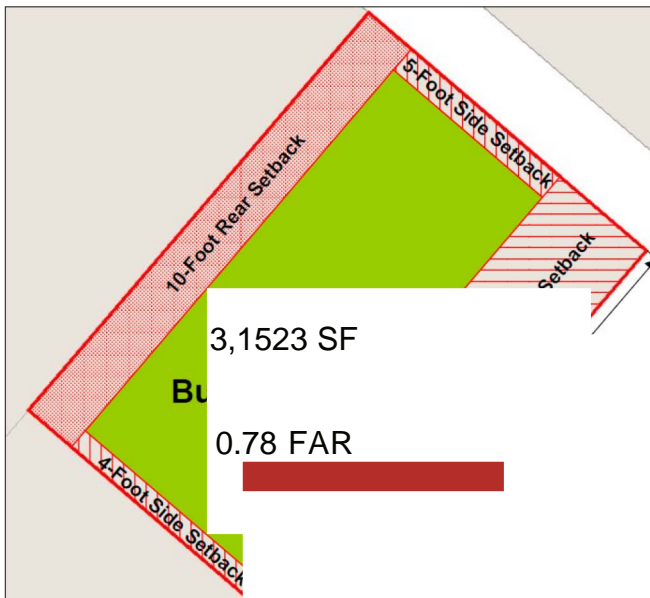
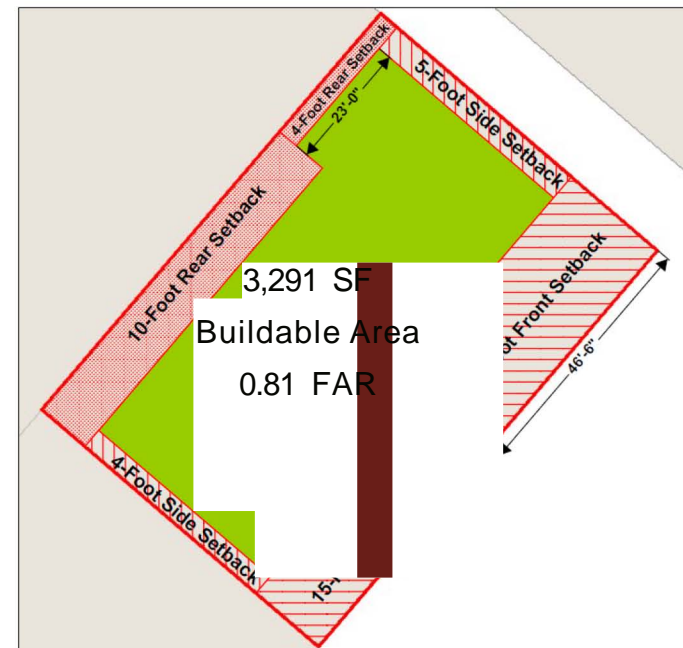


Figure 4, Recommended Setbacks

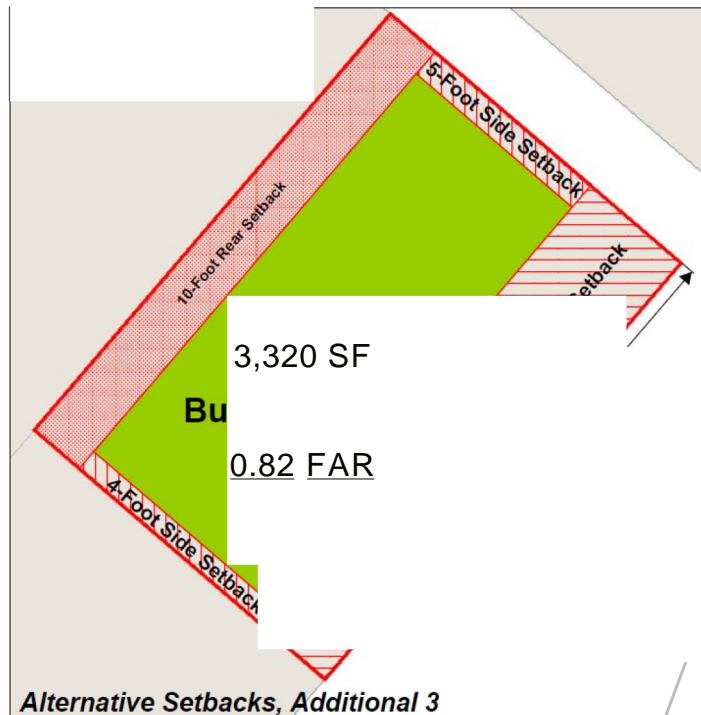
Figure 4, Recommended Setbacks



Alternative Setbacks, Additional 1



Alternative Setbacks, Additional 2



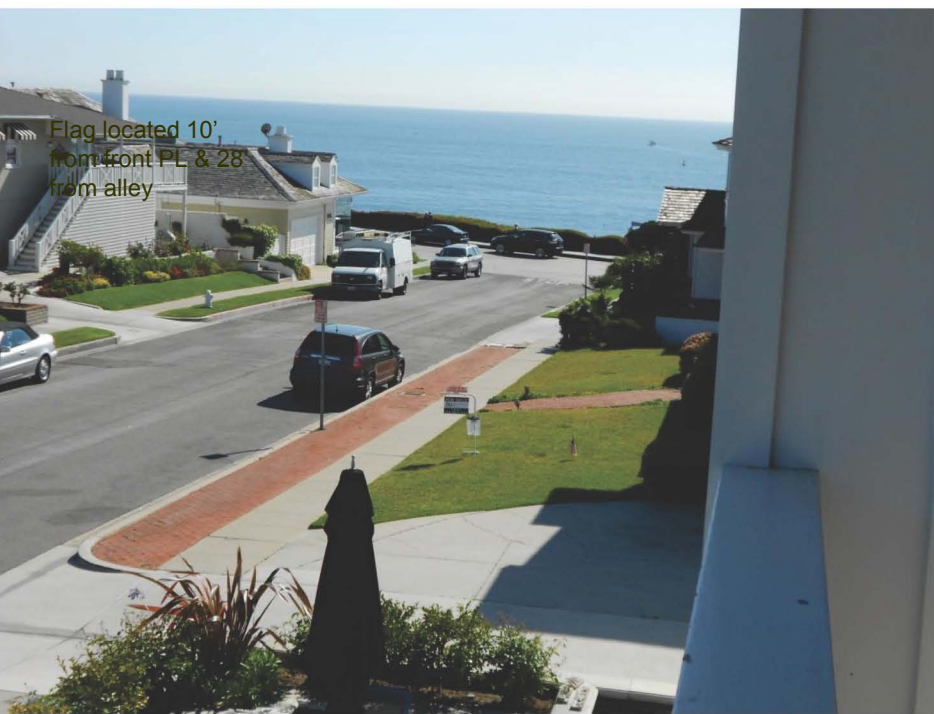
Alternative Setbacks, Additional 3

Site Photos

Photo 1: View along Orchid Ave.



Photo 2: View from 215 Orchid Ave.



View from 215 Orchid Avenue First Floor Side Window





